

The Altavista Town Council and Planning Commission held a joint work session meeting on Tuesday, August 16, 2011 at 5:13 PM in the Council Chambers.

Members present           -       Rudy Burgess, Mayor  
Charles Edwards, Town Council  
Bill Ferguson, Town Council & Planning Commission  
Mike Mattox, Town Council  
Jerry Barbee, Planning Commission Chairman  
Laney Thompson, Planning Commission  
Tim Wagner, Planning Commission Vice-chairman

Also Present               -       Waverly Coggsdale, Town Manager  
Cheryl Dudley  
John Eller, Town Attorney  
Dan Witt, Assistant Town Manager

Mr. Coggsdale opened the meeting by thanking the PC and TC for their time and effort in getting the zoning ordinance completed. He also thanked Mr. Witt, Mr. Baka and Mr. Eller for their time and efforts as well. He said that the next step is to prepare the TC to conduct their public hearing. He turned the meeting over to Mr. Witt.

Mr. Witt stated that he wanted to reiterate that the draft Zoning Ordinance is not a perfect document but that the current ordinance is very outdated. He also commended the Steering Committee on their work and assistance in developing the draft Zoning Ordinance. Included in the minutes is the Power Point presentation by Mr. Witt.



### ***Project Understanding***

- Update the Zoning Ordinance to implement the goals and objectives of the Comprehensive Plan**
- Update compliance with changes to Virginia law**
- Facilitate community discussion and public input work sessions related to various zoning ordinance topics**
- Review zoning districts, consider a mixed-use district, landscaping regulations, lighting, and Site Plan Requirements**
- Draft ordinance language/text, using the recommendations from the staff, Steering Committee, public input and staff.**





## ***Project Philosophy***

- Local Ordinances must be tailored to meet or assist with specific needs and conditions of each individual community
- Zoning is a tool that can be used to implement civic policies such as neighborhood revitalization and promotion of commercial base
- Ordinance development should be a collaborative process that builds community support and enhances potential for success
- Ordinances must be easy to administer; should consider your staff levels and resources available for administration



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## ***Integrating Comprehensive Plan Objectives***

- ✓ Consider additional assisted living care possibilities.
- ✓ Evaluate zoning/building codes for procedures/impediments.
- ✓ Provide options for upper-story downtown housing.
- ✓ Encourage orderly residential growth relative to services
- ✓ Protect town neighborhoods by reducing “cut-through” traffic volume on residential streets.
- ✓ Promote the mixed use development of larger vacant parcels



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### ***Integrating Comprehensive Plan Objectives***

- ✓ **Encourage mixed use developments, such as PUD's and second story housing downtown.**
- ✓ **Encourage development of sales/service sector firms.**
- ✓ **Promote commercial and industrial firms, while maintaining an atmosphere conducive to expansion of existing ones.**
- ✓ **Ensure quality and adequate parking availability in all areas.**
- ✓ **Coordinate new commercial and industrial development with the provision of community facilities, infrastructure, and services.**



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### ***Zoning Ordinance Update Topics***

- |                            |                                   |
|----------------------------|-----------------------------------|
| • Consistency w/ Comp Plan | • Site Development Standards      |
| • Format/Structure         | • Lot/Bulk Standards              |
| • Process/Procedures       | • Zoning Maps                     |
| • Non-conformities         | • Sign Standards                  |
| • Definitions/Uses         | • Landscaping/Lighting provisions |
| • Districts – Old & New    | • State Code requirements         |



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## Timeline

February 2010	Consultant selection/negotiations
March	Award of contract & review background information
April	<b>Kick-off meeting with Steering Committee</b>
May	Prepare for Public Worksession
June	Public Open House Worksession; seek public input
July	Analyzed public input; research Ordinances
August	Review analysis w/ SC; Standards for Definitions
September	Establish structure for districts
October	Use & Design Standards
November	Landscaping/Lighting Standards
December	Site Plan standards and produce a Draft Ordinance
January 2011	Follow-up SC meetings and review of text
February	Revisions to text
March	Final SC meeting and text modifications
April	Produce a Final Draft Ordinance
May	<b>Planning Commission Public Hearing</b>



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## Article I – Administration (Highlights)

### Consists of General Administrative Sections

#### Sec. 86-8 Uses Not Provided For

If a use is not listed as any of the allowable uses, by right or by Special Use Permit, in any zoning district in the entirety of the Ordinance and the use falls within the stated intent for uses in a specific district, the Administrator shall present the proposed use to the Planning Commission, which at its discretion may recommend an amendment to the Code or require an application for a Special Use Permit.



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## **Article II – Definitions & Use Types**

Definitions in all Articles are moved to Article II

Definitions are now grouped by Use Types



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## **Use Types**

**Use Types** can be provided for all land uses. Instead of developing *separate list* for similar uses such as barber shops, dry cleaners, florists, and tailors a single use type can be used

**PERSONAL SERVICES** -- Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, florists; and Laundromats and dry cleaning stations serving individuals and households.



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### **Article III – Districts**

- RLD (deleted)
- R-1
- R-2
- RHD (deleted)
- R-MHP
- C-1
- C-2
- M-1 (deleted)
- M-2 (now “M”)
- PUD (added)
- DRO



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### **Article IV – Development Standards**

- DIVISION 1. USE AND DESIGN STANDARDS
- DIVISION 2. ACCESSORY USES AND STRUCTURES
- DIVISION 3. PARKING
- DIVISION 4. BUFFERS AND LANDSCAPING STANDARDS
- DIVISION 5. MISCELLANEOUS STANDARDS
- DIVISION 6. SITE PLANS



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## ***Article IV – Development Standards***

### **DIVISION 1. USE AND DESIGN STANDARDS**

Home Occupations  
Multi-family Dwellings  
Temporary Family Health Care Structures  
Upper-story Residential Unit

Automobile Sales/Service  
Gasoline Stations  
Mini-Storage  
Retail Sales

Industrial recycling centers



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## ***Article IV – Development Standards***

### **DIVISION 2. ACCESSORY USES AND STRUCTURES**

Clarified and organized by use groups



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## ***Article IV – Development Standards***

### **DIVISION 3. PARKING**

Reviewed parking standards

Added a parking table

Clarifies parking requirements by use



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## ***Article IV – Development Standards***

### **DIVISION 4. BUFFERS AND LANDSCAPING STANDARDS**

Provides landscaping provisions

Allows for a flexibility in types and sizes of buffers



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## ***Article IV – Development Standards***

### **DIVISION 5. MISCELLANEOUS STANDARDS**

Provisions for lighting, yard requirements, fences, temp. storage containers



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## ***Article IV – Development Standards***

### **DIVISION 6. SITE PLANS**

Added Site Plan provisions that provide more information to staff/PC



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## **Article V – Signs**

**Minor Changes included formatting**

**Added clarity for additional signage definitions**

**Added specific language for murals...**

**MURAL – A large image, such as a painting, produced by hand and applied to the side of a building wall, generally for the purpose of decoration or artistic expression, that shall not advertise or suggest the advertisement of products or services related to a business, which would otherwise be subject to sign regulations.**



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## **Additional Text – Articles VI – XII (Formatting, Code)**

**Article VI – Telecommunications Facilities**

**Article VII – Non-Conforming Uses; Vested Rights**

**Article VIII – Board of Zoning Appeals**

**Article IX – Amendments; Conditions; Notices**

**Article X – Flood Control**

**Article XI – Enforcement, Penalties, Administrator’s Authority...**

**Article XII – (Franchises) Removed from Zoning Ordinance**



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Mr. Witt then proceeded to discuss the recommendation from the Planning Commission to rezone certain identified parcels within the Town limits. Included in the minutes are maps showing the specific parcels with the areas shaded in yellow that would be rezoned.



Map 1: Parcels on the East side of 8th Street between the alley adjacent to the old fire station and Campbell Avenue. Currently zoned C2 and are recommended to be rezoned to R2



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Map 2: Parcels on the east side of 9th Street between Bedford Avenue and Grace Street. Currently zoned C2 Commercial with a recommendation to rezone to R2



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Map 3: Parcels on the west side of 5<sup>th</sup> Street between Pittsylvania Avenue to Nelson Avenue . Currently zoned M1 and the recommendation is to rezone to C2.



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Map 4: Parcels on the west side of 3<sup>rd</sup> Street between Nelson Avenue and the dead end at Mid Atlantic Printing. Currently zoned M1 and will remain industrial and be zoned M.



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A discussion about the 500 block of 9<sup>th</sup> Street's zoning recommendation lead to a consensus decision that it should be rezoned from C2 to R1 and not R2. The PC members present were in agreement with this decision and it will be advertised that way for the TC's public hearing.

Mr. Mattox asked if there was specific language that would limit the number of unrelated persons that could reside in a single family home within the R1 and R2 districts. He expressed concerns because the

issue of how many unrelated persons could currently live in one house in the C-2 district. He would like to see this clarified. He asked that Mr. Witt check into what Campbell County has. Mr. Wagner said that there is a minimum sq. footage per person per house that is currently allowed. Mr. Coggsdale said that number was in relation to the USBC but that Mr. Witt will check into this issue.

Mr. Witt stated that the definition of a family is: *One or more persons related by blood, marriage, or adoption, or under approved foster care, or **a group of not more than four persons** (including domestic help) living together as a single housekeeping unit.* Mr. Eller stated that he believed this would apply to both R1 and R2 districts. Mr. Witt said that he would check with Campbell County and also the consultant, Mr. Baka.

Mr. Witt stated that the PC recommended reducing the minimum front set back in the R2 district from 100 ft. to 80 ft. This is more consistent with Campbell County and allows for smaller lot development within the R-2 district. The R-1 district remains at 100 ft. There was no opposition or discussion regarding this recommended change.

Mr. Witt stated that Mr. Eller thought that Article XII, Franchise Agreements, should be removed from the zoning ordinance chapter.

Mr. Eller presented a draft document for civil penalties and stated that this issue was discussed briefly but the PC did not have a recommendation. Mr. Eller said this ordinance could be added to Section 86-913; the section on penalties and enforcement.

(C) Infractions and Civil Penalties

- (1) Any violation of the following provisions of the Town of Altavista Zoning Ordinance shall be deemed an infraction and shall be punishable by civil penalty of fifty dollars (\$50.00):
  - (a) select i.e. screening requirements
  - (b) select i.e. temporary signs
  - (c) etc.
- (2) Each day during which any violation of the provisions enumerated in Paragraph 1 above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative fact be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of two hundred fifty dollars (\$250.00).
- (3) The designation of a particular violation of this Ordinance as an infraction pursuant to Paragraph 1 above shall be in lieu of criminal sanctions and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.
- (4) After having served a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in Paragraph 1 above and if such violation has not ceased within such reasonable time as is specified in such notice,

then, the Zoning Administrator shall cause two (2) copies of a summons to be sent to such person.

- (5) Such summons shall contain the following information:
- (a) The name and address of the person charged.
  - (b) The nature of the infraction and the Ordinance provision(s) being violated.
  - (c) The location, date and time that the infraction occurred or was observed.
  - (d) The amount of the civil penalty assessed for the infraction.
  - (e) The manner, location and time in which the civil penalty may be paid to the Town.
  - (f) The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.
- (6) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Altavista Treasurer's Office at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.
- (7) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the Campbell County General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- (8) The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Mr. Coggsdale stated that since there would be specific infractions where civil penalties would apply, that Mr. Eller should make a list of particular code sections. Also that Mr. Witt and the PC help formulate a list of the code sections and infractions that could be included under these civil penalties. The TC would like to have a recommendation by its September meeting.

The TC agreed to have a 1<sup>st</sup> reading of the draft Zoning Ordinance at its September meeting and to schedule a public hearing for its October meeting.

The meeting was adjourned at 6:26PM

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Rudy Burgess, Mayor

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Waverly Coggsdale, Town Manager

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Jerry Barbee, Planning Commission Chairman

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Dan Witt, Assistant Town Manager